THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5277 of 2007

Date: 15.03.2007

Between:

Sr Venkateswara Co.op. House Building Society Ltd.

....Petitioner

And

The Sub-Registrar, Gopalapatnam, Visakhapatnam District.

....Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5277 of 2007

O R D E R:

Petitioner is a House Building Cooperative Society at Visakhapatnam. It is said to be the owner of an extent of Ac.11.50 cents of land in Survey No.31 part of Chimalapalli Village, Porlupalem Panchayat, Pendurthi Mandal, Visakhapatnam District, which was developed into house layout and allotted to its members, leaving an extent of 3,244 square yards in plots bearing Nos.28,29,64 to 68, 74 to 79 and 93 to 94. According to the petitioner, it intended to sell the said extent of 3,244 square yards of land to its members and in that process, approached the respondent to register the documents of conveyance. The grievance of the petitioner is that the respondent is not accepting the documents for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondent, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the respondent to receive and process the documents, if any, presented by the petitioner and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Date: 15.03.2007

Note: Issue C.C. in one week.

(B/o)

JSU

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77